



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO. 10/528,006	FIRST NAMED APPLICANT Pierre Messler	ATTY. DOCKET NO. 102785-337-NP2
INTERNATIONAL APPLICATION NO. PCT/IB03/04543		
I.A. FILING DATE 09/08/2003	PRIORITY DATE 09/16/2002	

Patrice A King  
GOODWIN PROCTER  
103 Eisenhower Parkway  
Roseland, NJ 07068

CONFIRMATION NO. 9028

371 FORMALITIES LETTER

\*OC000000017546534\*

Date Mailed: 12/01/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/16/2005
- Copy of the International Search Report filed on 03/16/2005
- Copy of IPE Report filed on 03/16/2005
- U.S. Basic National Fees filed on 03/16/2005
- Priority Documents filed on 03/16/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,006	PCT/IB03/04543	102785-337-NP2

FORM PCT/DO/EO/905 (371 Formalities Notice)

GOODWIN | PROCTER

RECEIVED  
CENTRAL FAX CENTER

JAN 05 2006

Goodwin Procter LLP  
Counsellors at Law  
103 Eisenhower Parkway  
Roseland, NJ 07068  
T: 973.992.1990**F A X T R A N S M I T T A L**

If problems with transmittal, call fax department at (973) 992-1990.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence and any attachments is/are being facsimile transmitted to the U.S. Patent and Trademark Office's official facsimile number 571-273-8100 on January 5, 2006.

*Katherine Barberi*  
Katherine Barberi

Date	Total pages	Client/Matter	
January 5, 2006			
To	Company	Fax number	Telephone
Commissioner for Patents	U.S. Patent and Trademark Office	571-273-8100	703-308-0505
From		Fax number	Telephone
Patrice A. King, Esq. (Reg. No. 44,833)		(973) 992-4643	(973) 992-1990

Appl. No. : 10/528,006  
 Applicant : Pierre Messier  
 Filed : March 16, 2005  
 Title : Facemask Filtering Closure  
 Attorney Docket No. : 102785-337-NP2  
 Confirmation No. : 9028

Submitted herewith are the following items for filing in the above-identified case:

1. This Fax Transmittal;
2. Reply to Notice to File Missing Parts;
3. Declaration and Power of Attorney;
4. Fee Transmittal (in duplicate); and
5. A Copy of the Notice to File Missing Parts of Nonprovisional Application

For a total of 10 pages.

LIBNY/4462588.1

JAN 05 2006

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted on the date shown below to the United States Patent and Trademark Office at fax number 571-273-8100.

Katherine Barberi 1/5/06  
Katherine Barberi Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/528,006  
Applicant : Pierre Messier  
Filed : March 16, 2005  
Title : Facemask Filtering Closure  
Attorney Docket No. : 102785-337-NP2  
Confirmation No. : 9028

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice of File Missing Parts of Nonprovisional Application dated December 1, 2005, Applicant submits the following items:

1. Declaration and Power of Attorney;
2. Fee Transmittal (in duplicate); and
3. A copy of the Notice to File Missing Parts of Nonprovisional Application.

Authorization is hereby granted to charge the surcharge fee of \$130.00 and any deficiency in fees to Goodwin Procter LLP Deposit Account 06-0923. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted for Applicant,



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Eva I. Tan (Reg. No. 46,406)  
GOODWIN PROCTER LLP  
103 Eisenhower Parkway  
Roseland, NJ 07068  
(973) 994-7896

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 65-

## Complete if Known

Application Number	10/528,006	RECEIVED CENTRAL FAX CENTER
Filing Date	March 18, 2005	
First Named Inventor	Pierre Messier	JAN 05 2006
Examiner Name	TBA	
Art Unit	TBA	
Attorney Docket No.	102785-337NP2	

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

06-0923

Deposit Account Name

Goodwin Procter LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 65-

## SUBMITTED BY

Name (Print/Type)	Eva I. Tan	Registration No. (Attorney/Agent)	46,406	Telephone	973-992-1990
Signature		Date	January 5, 2006		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.